

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

WAPP TECH LIMITED PARTNERSHIP
and WAPP TECH CORP.,

Plaintiffs,

v.

SEATTLE SPINCO, INC. ET AL.,

Defendants.

C.A. No. 4:18-cv-00469-ALM

JURY TRIAL DEMANDED

**JOINT MOTION FOR ENTRY OF ORDER RE PLAINTIFFS' THIRD UPDATED
INFRINGEMENT CONTENTIONS AND MOTION TO STRIKE SECOND UPDATED
INFRINGEMENT CONTENTIONS**

The parties in the above-captioned case, by and through counsel, file this Joint Motion for entry of an Order to permit Plaintiffs Wapp Tech Limited Partnership and Wapp Tech Corp. (collectively, “Wapp”) to serve Third Updated Infringement Contentions (“TUIC”), and to moot Defendants’ Motions to Strike the Second Updated Contentions. (ECF 237 in Case No. 4:18-cv-00469-ALM).

Wapp served a version of its TUIC on defendants on November 9, 2020. Seattle Spinco, Inc., EntIT Software, LLC, EntCO Interactive (Israel) Ltd., Entco Government Software, LLC, and Micro Focus (US) Inc. (collectively, “Defendants”) do not oppose leave to serve the TUIC rendering them the operable infringement contentions in the case. The parties thus jointly move the Court to order:

1. The TUIC are permitted to be served as the operative contentions in this case, superseding any prior infringement contentions.
2. Defendants’ Motion to Strike the Second Updated Contentions are moot. ECF 237 in Case No. 4:18-cv-00469-ALM.
3. The TUIC will be Wapp’s final infringement contentions in this case setting forth its infringement theory that will be in its expert reports. Wapp’s expert report will not set forth new infringement theories that are not in the TUIC.
4. Wapp’s P.R. 3-1(b) disclosure of accused products is set forth in the captioned cover pleading of the TUIC and the reasons for alleging infringement are set forth in the charts attached to the TUIC.
5. Plaintiff will serve a corrected version of the TUIC by November 17, which will become the operative contentions, which revises the following product version numbers in the

captioned cover pleading and in the charts as follows (revisions in bold) but makes no other changes to the version served on November 9:

- LoadRunner Enterprise (formerly Performance Center): 12.0 through 2020 SP2-SP3
- LoadRunner Professional (formerly LoadRunner): 12.0 - 2020 SP2 through SP3
- LoadRunner Cloud (formerly StormRunner Load): 1.2 through 2020.07
- Application Lifecycle Management/Quality Center (ALM/QC): 12.20 through 15.0.1

Dated: November 16, 2020

/s/ Robert F. Kramer

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CERTIFICATE OF SERVICE

I certify that I caused the foregoing document to be served via the Court's CM/ECF system on November 16, 2020 on all counsel of record who have consented to electronic service.

/s/ Robert F. Kramer _____